

SENATE JOINT RESOLUTION NO. 26

INTRODUCED BY CURTISS, HEINERT, MAEDJE

A JOINT RESOLUTION OF THE SENATE AND THE HOUSE OF REPRESENTATIVES OF THE STATE OF MONTANA URGING SUPPORT FOR CREATING A CENTER FOR THE STUDY AND TREATMENT OF ASBESTOS-RELATED ILLNESS AND FOR PROVIDING RELIEF FOR THE VICTIMS OF ASBESTOS EXPOSURE IN LIBBY, MONTANA.

WHEREAS, the discovery, on a nationwide basis, of the often terminal effects of asbestos exposure has spawned a massive and still growing civil litigation industry; and

WHEREAS, the United States Supreme Court has repeatedly called upon Congress to resolve the national asbestos litigation issue; and

WHEREAS, United States Senate Judiciary Committee Chairman Arlen Specter has under consideration a provision to help resolve the impasse; and

WHEREAS, in the small community of Libby, Montana, many residents have already succumbed to asbestosis and hundreds more have been diagnosed with the disease; and

WHEREAS, the unique nature of the tremolite fibers found in the vermiculite processed at the W.R. Grace zonolite mine at Libby may cause symptoms to be masked for 20 or more years before a diagnosis can be made; and

WHEREAS, there is currently no cure for either asbestosis or mesothelioma and it is likely that other incurable, autoimmune diseases, including rheumatoid arthritis and lupus, will be found to be linked to tremolite asbestos exposure; and

WHEREAS, current events relative to the W.R. Grace Company seemingly eliminate any access to a remedy against that company for the Libby victims' exposure to asbestos contamination; and

WHEREAS, the compensation measure under consideration by the United States Senate appears to be the last resort for many victims of asbestos exposure; and

WHEREAS, the Lincoln County Health Board, of necessity, has appealed to the Montana Legislature for a modest amount of funding to meet the bare necessities of treating asbestos-related illnesses for the biennium beginning July 1, 2005; and

WHEREAS, in 2003, the Legislature passed House Joint Resolution No. 14, requesting the Montana

1 Congressional Delegation to pursue funding options from federal sources to develop, build, and maintain, in
2 Libby, Montana, a center for the study of asbestos issues and the treatment of illnesses related to
3 tremolite-series asbestos.

4
5 NOW, THEREFORE, BE IT RESOLVED BY THE SENATE AND THE HOUSE OF REPRESENTATIVES OF
6 THE STATE OF MONTANA:

7 That the Legislature formally reaffirms the request made in 2003 to Montana's Congressional Delegation
8 to take action in creating a center for the study and treatment of illnesses related to tremolite-series asbestos.

9 BE IT FURTHER RESOLVED, that under the terms of the asbestos compensation settlement legislation
10 before Congress, special consideration be extended to litigants who have been exposed to the tremolite-fiber
11 asbestos, the symptoms of which take much longer to manifest themselves.

12 BE IT FURTHER RESOLVED, that the Secretary of State send copies of this resolution to the President
13 of the United States, to the members of the United States Senate Judiciary Committee, and to the members of
14 the Montana Congressional Delegation.

15 - END -